

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 99-080

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IN THE MATTER OF  
J. DANIEL HARRISON,  
AN ATTORNEY AT LAW

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Decision  
Default [R. 1:20-4(f)(1)]

Decided: August 18, 1999

To the Honorable Chief Justice and Associate Justices of Supreme Court of New Jersey.

Pursuant to R. 1:20-4(f)(1), the Office of Attorney Ethics ("OAE") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint.

On or about January 28, 1998, the OAE sent a copy of the complaint via regular and certified mail, return receipt requested, to respondent's last known office address, to his last known home address and to an address where the OAE believed respondent may have been temporarily residing. The certified mail sent to the office and the temporary address were returned as "unclaimed." The third certified letter and the three letters sent by regular mail were not returned. On February 24,

1999, the OAE sent a second letter by regular and certified mail, return receipt requested, to the same three addresses. Neither the regular mail nor the certified mail receipts have been returned to the OAE from any of the three addresses. Furthermore, respondent failed to reply to the Disciplinary Review Board's publication of the default notice. Respondent did not file an answer.

Respondent was admitted to the New Jersey bar in 1977. In April 1995, he was reprimanded for recordkeeping violations and negligent misappropriation. In re Harrison, 139 N.J. 609 (1995). In February 1998, respondent was temporarily suspended from the practice of law for failure to submit quarterly audits and Court-ordered drug testing reports, a requirement of the 1995 reprimand. In re Harrison, 152 N.J. 427 (1998). Respondent remains suspended to date.

According to the complaint, in December 1996, Kelly Cobilich and his father, Carlos Cobilich, retained respondent to represent them in a claim for damages arising from an automobile accident. In November 1997, respondent settled both claims: the father's for \$800 and the son's for \$6,000.

Respondent received both settlement checks and deposited them in his attorney trust account. The alleged endorsements of the Cobiliches on the checks were forgeries. The Cobiliches never received any of the funds.

Within forty days of depositing the funds, respondent misappropriated more than half of the funds, as evidenced by a balance of only \$2,192.48 on December 31, 1997; by February, 1998 only \$45.10 of the \$6,800 remained. The account was closed in May 1998.

From November 1997 to February 1998, respondent made sixty cash withdrawals from the account, totaling \$22,680. The Cobiliches made numerous attempts to contact respondent during this period. Respondent, however, failed to return any of their telephone calls or reply to any of their letters. Nor did respondent reply to any of the correspondence from the OAE or the DEC. The complaint charged respondent with knowing misappropriation of client funds, in violation of RCP 1.15(a); failure to safeguard client funds, in violation of RPC 1.15(c); and conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of RPC 8.4(c).

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Service of process was properly made in this matter. Following a review of the complaint, the Board found that the facts recited therein support a finding of unethical conduct. Because of respondent's failure to file an answer, the allegations of the complaint are deemed admitted. R. 1:20-4(f)(1).

As charged in the complaint, respondent did not safeguard the Cobiliches' funds, falsified his clients signatures to obtain access to the Cobiliches' funds and, in fact, knowingly misappropriated those funds. The Cobiliches did not receive any portion of the settlement funds.

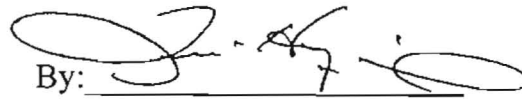
This leaves only the issue of appropriate discipline. Respondent's knowing misappropriation of the Cobiliches' funds requires his disbarment. In re Wilson, 81 N.J. 451

(1979).

Therefore, the Board unanimously determined to recommend respondent's disbarment. Two members did not participate.

The Board further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 8/18/89

By:   
LEE M. HYMERLING  
Chair  
Disciplinary Review Board